



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 25 2012

Mr. Phil Youngberg
Environmental Manager
c/o Mr. John Dugan
U.S. General Services Administration
10 Causeway Street - Room 925
Boston, MA 02222

Dear Mr. Youngberg:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Sale of Plum Island, New York. EPA Regions 1 and 2 collaborated on this review and provide comments below regarding impacts and issues that should be more fully addressed in the Final EIS (FEIS).

BACKGROUND:

The DEIS was prepared by the General Services Administration (GSA) and Department of Homeland Security (DHS) to describe the impacts associated with the planned government sale of the Plum Island Animal Disease Center (PIADC) on the 850-acre Plum Island in Long Island Sound, New York. The PIADC is currently operated by the DHS in cooperation with the U.S. Department of Agriculture (USDA). The sale of Plum Island is specifically mandated by The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009. The DHS plans to move current operations on Plum Island to a new facility in Manhattan, Kansas; this action was addressed in a prior EIS.

Although GSA does not have specific authority over the future use of the property, its identification of existing resources and the potential impacts of possible uses is important for the public and land-use decision-makers to understand. After the sale, the GSA has estimated that approximately 195 acres of the island may be suitable for development.

EPA's June 2010 scoping comments on the project highlighted the 2006 joint designation by EPA, the Connecticut Department of Environmental Protection and the New York State Department of Environmental Conservation of Plum Island as one of thirty-three inaugural Long Island Sound Stewardship Areas. In the case of Plum Island, this designation was based on exemplary colonial waterbird habitat, including habitat for several federally threatened and endangered species. In addition, our scoping comments recommended that the EIS:

- study options to permanently conserve and preserve undeveloped portions of Plum Island while also analyzing opportunities for balanced and appropriate public uses after the sale including preservation of public access rights from Orient Point;
- include a comprehensive evaluation of the ecological importance of Plum Island and an analysis of opportunities for balanced and appropriate public uses;
- evaluate potential contamination threats to public health and the environment; and
- include permanent protection of the entire undeveloped portion of the property as a development alternative, with existing developed areas sold for appropriate future development.

COMMENTS:

In response to EPA's scoping comments, we were pleased to see that the DEIS includes four property reuse options: adaptive reuse, low-density zoning, higher-density zoning, and conservation/preservation. Any reuse scenarios by future buyers should be well planned, environmentally responsible and in concert with a comprehensive land conservation/preservation plan developed in consultation with local, state and federal interests. In order to strengthen the message to potential buyers of the importance of preserving open space and valuable ecological resources on the island, EPA recommends that these areas be described in greater detail throughout the document. Moreover, the FEIS should recommend that these areas be designated for protection under the low and high-density zoning scenarios.

The DEIS discussion of the environmental impacts associated with future redevelopment of the island under the various redevelopment scenarios understates the potential environmental impacts of the sale by failing to provide sufficient detail necessary to illustrate the full range of potential impacts from both low- and high-density development. Throughout the "Affected Environment and Consequences" section, there are a variety of opportunities to augment the information in the DEIS such that it paints a more accurate picture of the potential impacts associated with development on the island. Additionally, a discussion of possible mitigation measures throughout the document, as they pertain to the environmental impacts associated development, should be included.

We believe the conservation option has the best potential to respect the rich ecological resources of Plum Island and recognize that there are a variety of management options to provide for conservation and environmental stewardship. Moreover, we believe that the purchase by a partnership of public and/or private organizations whose primary mission is conservation, offers the best opportunity to ensure that the island's unique environmental resources remain sustainable and available for the enjoyment of generations to come.

Specific comments by resource area follow.

Land Use and Visual Resources

The DEIS (page 3-5) states that under Reuse Option 2 (low-density zoning), "residential development would have a minor impact on the integrity of the existing landscape as the majority of the development would occur in the center of Plum Island. Development would be easily seen from the undeveloped portions of Plum Island and therefore represents a visual encroachment." The island has very few built

structures and the addition of 90 units, albeit in one concentrated location, has the potential to significantly impact the visual integrity of the existing landscape. EPA believes this impact should be described as "moderate" as opposed to "minor."

Air Quality

The DEIS (page 3-17) notes that Suffolk County is designated as a nonattainment area for ozone and PM_{2.5}. EPA recommends that GSA establish a mitigation plan that details measures that can be taken by developers to reduce and/or offset the potential air quality impacts associated with development. The FEIS should include this information to help inform the public as well as potential investors.

Water Resources

Section 3.7 evaluates the impacts of the reuse options on water resources. The DEIS notes that under the low-density zoning option there would be a two-fold increase in daily loading of biological oxygen demand (BOD) and total suspended solids (TSS), and that Nitrogen loading would also increase, both contributing to the impairment of the Long Island Sound. Under the high-density zoning option, there would be a sixteen-fold increase in TSS and BOD from current conditions. EPA recommends that the FEIS include detailed mitigation options that could reduce the impacts of development on surface water for the low-density and high-density development options.

Similarly, the discussions of stormwater impacts for both the low-density and high-density development options state that under best management practices and temporary runoff/erosion controls, impacts can be avoided or mitigated. It is also stated that "increased contaminant loadings to downstream water bodies would be addressed through the development of permanent stormwater controls." The FEIS should include detailed information on the nature of the impacts to the local environment that can be expected from low- and high-density development as well as the appropriate mitigation measures that could lessen the impacts from development to Long Island Sound.

The DEIS (page 3-53) states that impacts to fresh groundwater resources under Reuse Option 3 will be minor to moderate. It also states that assuming 2.59 persons reside in each of the 750 dwellings, there would be 1,943 people living on Plum Island during peak periods, which is 6.5 times the current population of 300. The DEIS also notes, "Considering the factor of 100 gallons per day of drinking water use per person, this would likely result in pumping of 194,000 gallons per day, approaching the upper range of the sustainable capacity of the aquifer. Previous studies have determined that the maximum sustainable pumping from the fresh groundwater lens is 150,000 to 200,000 gpd." The categorization that Reuse Option 3 would have a minor to moderate impact on groundwater resources seems to be inappropriate given this information. Reuse Option 3 may not be sustainable given the current capacity of the aquifer and thus should be categorized as moderate to severe (severe being that the aquifer cannot support the demand from Reuse Option 3). We also suggest the addition of potential conservation measures that could be implemented to maintain adequate water supply for high-density reuse option 3.

Biological Resources

There is no clear discussion of consultations for the Endangered Species Act (ESA) or the Marine Mammal Protection Act (MMPA) in the body of the DEIS. This is an important part of the sale that should be included in the document. This discussion should be initiated at the beginning of the "Biological Resources" section where the terms of potential impacts are described. Terms such as "negligible," "minor," "moderate" and "severe" should be defined, in part by how they relate to these two Acts. For example, "negligible" may be defined as, "Individual plants may occasionally be impacted, but measureable or perceptible changes in vegetation community size, integrity, or continuity would not occur. Terrestrial and aquatic wildlife and their habitats would not be impacted, or the impacts would be at or below the level of detection and would not be measurable or of perceptible consequence to wildlife populations. Negligible impacts would have a "No effect" determination for the Endangered Species Act and a comparable determination for the Marine Mammal Protection Act (MMPA)." This should carry through each of the impact terms with "severe" correlating with a "Likely to Adversely Affect Determination." Pages 3-76 through page 3-80 of the DEIS discuss the variety of listed species found on and around the island, but there is no discussion of any consultation that occurred under the ESA or MMPA. In addition to a lack of discussion regarding substantive compliance with these statutes, there was a subsequent lack of information regarding whether the presence of threatened species, endangered species, and marine mammals would affect the low- and high-impact density reuse options. We recommend that the FEIS include more information to explain how species and habitats would be protected.

Throughout Section 3.8.3.2, there is discussion of the impact that various reuse options could have on threatened and endangered species. For Reuse Option 1 (p3-81) the document states, "no changes to rare, threatened and endangered species, including critical habitats would be expected." Under Reuse Option 2 (p 3-84), the document states, "No adverse changes to habitats utilized by federally listed threatened and endangered species would occur." It is unclear from this section if this determination was made as part of a consultation with the Fish and Wildlife Service or if a "No Effect" determination was made. The possible impacts from construction, such as noise, night time lighting, habitat destruction, etc. to species such as small whorled pogonia, sea turtles, Indiana bat, piping plover, and other threatened and endangered species known to inhabit the island was not discussed, but should be included.

For Reuse Option 3 (p 3-86) the DEIS states that "No changes to terrestrial habitats utilized by federally listed threatened and endangered species would occur with redevelopment, with the exception of upland habitats that may have the potential to support small whorled pogonia." Reuse Option 3 has the greatest potential for impacts related to construction and overall scope and intensity of development. Specifically, Reuse Option 3 will impact the greatest amount of habitat for infrastructure development and will result in the greatest amount of habitat disruption due to human utilization of beach and water front area as well as impacts from biking, hiking and other recreational activities. Each of the passages mentioned here should have a comprehensive discussion of impacts to endangered species that would result from residential development (both during the construction phase and once residential units are inhabited) and specifically reference the consultation for the sale of the island.

Waste Management

Section 3.12 discusses existing hazardous, toxic, or radiological waste (HTRW) contamination on the island. Most of this discussion is limited to issues pertaining to the Resource Conservation and Recovery

Act (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The discussion of contamination as it relates to exotic animal disease, and potential lingering impacts from the existence of PIADC is lacking. The DEIS (page 3-142) states that there is a "management-imposed nothing leaves Plum Island" policy that was instituted at the outset of PIADC's establishment.... The purpose of the policy was to ensure that waste removal processes would not be responsible for allowing biological agents under study to escape the confines of Plum Island." EPA believes a more detailed explanation of the clean-up process as it relates to the research facility and potential biological contamination is warranted. The FEIS should detail the specific components of the clean-up, what each component will achieve, and how the process will ensure the safety of future potential inhabitants of the island.

Additionally, the DEIS at page 3-75 states that, "As a standard safety procedure, measures to control the white-tailed deer population are conducted annually, though none have been found on Plum Island since 2004." It is our understanding that white-tailed deer have in the past, swum to the island from the mainland and have been culled as a safety measure to ensure that they do not transmit disease back to the mainland. The FEIS should explain at what point after the closure of the PIADC the risk of the spread of disease to large mammals would no longer be an issue of concern. The FEIS should also describe which clean-up measures will be utilized to eliminate any remaining pathogens.

Under the discussion of HTRW, the DEIS (page 3-148) states that one of the CERCLA sites "is an existing landfill (i.e., WMA 26) that was investigated during the CERCLA program and for which NYSDEC has requested that an institutional control such as a deed restriction be placed to prohibit residential development." We would like to see a discussion in the FEIS of the long-term potential health implications for future residents in the event of a low or high density development scenario related to access to this area for recreation or simply living in close proximity to contaminated sites. With a deed restriction, residents may still have access to this area for recreational purposes. The DEIS (page 3-148) states that, "DHS is currently completing the remaining CERCLA program closure and clean-up operations as part of its ongoing activities to achieve compliance with federal, state, and local regulatory standards" and that, "remediation areas on Plum Island located within a residential development area could inhibit development plans for areas at and near the ten CERCLA sites located in the Potential Development Parcels." The DEIS should provide an estimated timeline for the remaining clean-up actions.

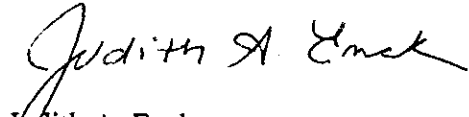
On the whole, there is a lack of detailed information pertaining to contamination associated with the historic uses of the island, including military activities and biological research. Information such as the nature, location, volumes and concentrations of contaminants still to be remediated should be provided in the FEIS.

As a cooperating agency for this project, EPA staff remain available to the extent our resources allow to help GSA as it works to respond to issues raised in our comments. In addition, EPA is willing to continue to provide technical assistance and support to local, state, and federal agencies, as appropriate, after the conclusion of the NEPA process and sale of the island.

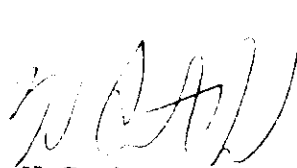
Based on our review of the DEIS, we have rated the DEIS "EC-2-Environmental Concerns-Insufficient Information" in accordance with EPA's national rating system, a description of which is enclosed with this letter.

Thank you for the opportunity to comment on the DEIS for the Sale of Plum Island. Our comments on the DEIS are intended to help the GSA provide useful information that will ultimately inform local, state and federal review and decision-making related to land use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster at 212-637-3465.

Sincerely,



Judith A. Enck
Regional Administrator
Region 2



H. Curtis Spalding
Regional Administrator
Region 1

Enclosure